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February 24, 2017

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Telrite Corporation d/b/a Life Wireless Notice of Oral *Ex Parte***
Presentation; WC Docket Nos. 09-197, 10-90, 11-42

Dear Ms. Dortch:

On February 23 and 24, 2017, Susan Berlin of Telrite Corporation d/b/a Life Wireless (Telrite or the Company) and John Heitmann and Jameson Dempsey of Kelley Drye & Warren LLP met, in separate meetings, with Jay Schwarz, Acting Wireline Advisor to Federal Communications Commission (FCC or Commission) Chairman Ajit Pai; Claude Aiken, Wireline Advisor to Commissioner Mignon Clyburn; and Amy Bender, Wireline Advisor to Commissioner Michael O'Rielly. In the meeting, we discussed issues consistent with the attached summary sheet and the Company's January 27th and February 17th ex parte letters¹ in

¹ See Letter from John Heitmann, Counsel for Telrite Corporation d/b/a Life Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Jan. 27, 2017); Letter from John Heitmann, Counsel for Telrite Corporation d/b/a Life Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Feb. 17, 2017).

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response to the recent ex parte letters of TracFone Wireless, Inc.² and Sprint Corporation.³
Pursuant to Section 1.1206(b) of the FCC's rules, this letter is being filed electronically.

Respectfully submitted,



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cc: Jay Schwarz
Amy Bender
Claude Aiken

Enclosure

² See Letter from Mitchell F. Brecher, Counsel for TracFone, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Jan. 18, 2017); Letter from Mitchell Brecher, Counsel for TracFone Wireless, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Feb. 14, 2017); Letter from Mitchell Brecher, Counsel for TracFone Wireless, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Feb. 14, 2017).

³ See Letter from Norina T. Moy, Director, Government Affairs, Sprint Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Jan. 19, 2017); Letter from Norina T. Moy, Director, Government Affairs, Sprint Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 11-42, 09-197, 10-90 (Feb. 15, 2017).

ENCLOSURE

Telrite Corporation d/b/a Life Wireless
Consumer Choice, Innovation, and the Future of the Lifeline Program

Telrite agrees that consumers receiving mobile BIAS offerings should have devices capable of handling such service. In the context of today's Lifeline program, those devices should be capable of handling data at 3G or better speeds. Telrite provides all of its customers with 3G-or-better SIM cards and handsets, and enables consumers to bring their own 3G-or-better devices to use with Telrite's Lifeline service offerings.

Telrite's plans provide subscribers with a variety of products that meet or exceed the Lifeline Modernization Order's minimum service standards, including plans that offer cellular data and plans that offer unlimited Premium Wi-Fi service. Telrite does not rely on free public Wi-Fi to meet these standards.

Customer	DEVICE*	COST	TALK	TEXT	DATA	MMS
Legacy feature phone subscribers	3G-capable handset with Internet browser**	FREE	500 Min	Unlimited	Unlimited Premium Wi-Fi + 500 MB Cellular	25
Legacy smartphone subscribers	Smartphone	FREE	500 Min	Unlimited	Unlimited Premium Wi-Fi + 10 MB Cellular	25
New subscribers	Smartphone	FREE	500 Min	Unlimited	Unlimited Premium Wi-Fi + 10 MB Cellular	25
Tribal (OK)	Smartphone	FREE	Unlimited	Unlimited	Unlimited Premium Wi-Fi + 1 GB Cellular	100

*Since 2014, all subscriptions have come with a 4G/LTE SIM card. Previously, all SIM cards were 3G capable

**Free upgrade to smartphone available after 180 days of service

What is Telrite's Premium Wi-Fi? Telrite's Premium Wi-Fi is a broadband service—distinguishable from traditional, free, public Wi-Fi—that leverages the nationwide access point network of iPass, a Premium Wi-Fi network operator:

- **Broad coverage:** 34 million broadband access points via Wi-Fi in the US alone, including commercial and residential hotspots
- **Secure connection:** Provides enhanced security through a last-mile VPN
- **Seamless experience:** Automatically connects to the strongest broadband signal
- **Closes the homework gap:** Permits tethering of laptops, tablets, and other peripheral devices

Telrite's Premium Wi-Fi is BIAS. It is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. Telrite's Premium Wi-Fi also meets the definition of **mobile BIAS** because it serves end users primarily using mobile stations.

The Commission need not classify “Wi-Fi,” which is a wireless local access link, in order to declare that Telrite’s Premium Wi-Fi service, which includes both the wireless local access component and the underlying broadband access, is BIAS that may be used to meet the broadband minimum service standards.

Telrite’s Premium Wi-Fi promotes consumer choice. Telrite’s Premium Wi-Fi service offers consumers an unlimited amount of data on network connections that are typically faster than traditional 3G cellular data service. For Lifeline subscribers who chose a service provider based on the data component of a bundled service offering, they can in many markets now choose between Telrite’s Premium Wi-Fi service, a unique service with unlimited data and faster speeds, but with more limited coverage, and other ETCs’ more limited and slower 500 MB 3G cellular service offerings that offer more geographically widespread availability.

The Lifeline Modernization Order expressly calls for innovation in service offerings and in no way limits the definition of mobile BIAS to mobile data services provided over a provider’s own cellular data network. Today’s technology-neutral Lifeline program rules do not in any way limit the definition of mobile BIAS to services provided over a cellular data network. Indeed, innovative services that utilize unlicensed spectrum are not excluded from definition of mobile BIAS. Non-Lifeline subscribers may choose Wi-Fi-enabled mobile broadband service and other innovative service offerings from cable companies and others, or they may choose more familiar all-cellular offerings. Lifeline-eligible subscribers should be able to make similar choices based on the plans that are the most affordable and best serve their needs.

The Commission should decline any requests for “clarification” that would rewrite the Lifeline rules:

- Contrary to TracFone’s claim, 3G is the governing speed threshold for mobile BIAS in the Lifeline program. TracFone’s suggestion that 3G data is not BIAS is really a request for a rule change.
- TracFone’s assertion that consumer devices must be “smartphones” is a claim without basis in the Lifeline rules. TracFone is requesting a new rule, rather than clarification of an existing one.
- TracFone’s suggestion that mobile BIAS cannot be provided through the resale of underlying provider networks would render its business model untenable. Nothing in today’s Lifeline rules supports or can be “clarified” to support TracFone’s assertion.
- Sprint’s assertion that mobile BIAS must “provide service in locations (such as a Lifeline customer’s home) that otherwise lack[] broadband access” is not only unsupported by today’s Lifeline program rules, it makes no sense for a program focused on making available broadband access affordable.
- Sprint’s proposal to limit Lifeline support to services provided over an ETC’s own cellular network—i.e., facilities-based cellular providers—would render TracFone, Telrite, and every other major Lifeline service provider reliant on resale unable to provide such service.